IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Carlanda D. Meadors, et al.,)
Plaintiffs,)
v.) Case No. 21-cv-982-JLS
v.)
Erie County Board of Elections, et al.,)
D 6 1 4)
Defendants.)
)
)

NOTICE OF MOTION FOR SUMMARY JUDGMENT

Defendants Erie County Board of Elections, Jeremy J. Zellner, and Ralph M. Mohr move for summary judgment based on the following evidence and argument:

- Memorandum of Law In Support of Motion
- Local Rule 56(a) Statement of Facts and Appendix
- All other materials that may be considered, including the First Amended Complaint, the Answer, and other materials filed in this case and the U.S. Court of Appeals for the Second Circuit.

The grounds for the motion are that Defendants are entitled to judgment as a matter of law based on the undisputed facts, including those facts subject to judicial notice, because the deadline for filing an independent nominating petition under New York law is permissible under the U.S. Constitution as applied to this case.

The relief requested is entry of judgment for all Defendants.

Defendants intend to file a reply memorandum of law at the appropriate time.

Dated: December 1, 2022

Respectfully submitted,

/s/ JEREMY TOTH

Jeremy Toth SECOND ASSISTANT COUNTY ATTORNEY, ERIE COUNTY 95 Franklin St., 16th Floor Buffalo, NY 14202 (716) 858-2204 Jeremy.Toth@erie.gov

/s/ JASON HARROW

Jason Harrow GERSTEIN HARROW LLP 810 7th St. NE Suite 301 Washington, DC 20002 (323) 744-5293 jason@gerstein-harrow.com